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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 12th May, 2000:—

I

BILL No. X OF 1999

A Bill to provide for the establishment of a Commission to oversee the administration of the secretarial staff of the Council of States and for matters connected therewith.

BE it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:—

1. This Act may be called the Council of States (Administration) Act, 1999.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Chairman" means Chairman of the Council of States;

(b) "Commission" means the Commission constituted under section 3 of this Act;

(c) "House" means the Council of States;

(d) "Leader of the House" means the Prime Minister, if he is a member of the House, or a member of the Council of Ministers, who, being a member of the House, is nominated by the Prime Minister for the purposes of the Act;

(e) "Leader of the Opposition" means a member of the House who is recognised by the Chairman as such or his nominee, who shall be a member of the House, or, if there is no such leader, the leader of the party in the Opposition having the largest number of members in the House;

(f) "Secretarial Staff" means the staff of the Council of States;

(g) "Secretariat" means the Secretariat of the Council of States.

Constitution
and composi-
tion of the
Commission.

3. (1) There shall be constituted a Commission to be known as the Council of the States Commission to perform the functions conferred on it by this Act.

(2) The Commission shall be appointed by the House on a motion moved by the leader of the House and adopted by the House.

(3) The Commission shall consist of the following members :—

(a) the Chairman;

(b) the Deputy Chairman of the House;

(c) the Leader of the House;

(d) the Leader of the Opposition; and

(e) three members of the House to be elected by the House by the system of proportional representation by means of a single transferable vote.

Chairman of
the Commis-
sion.

4. (1) The Chairman shall be the *ex-officio* Chairman of the Commission.

(2) While the office of the Chairman is vacant, the House shall function as the Chairman of the Commission and, if for any reason, the Chairman is unable to act as the Chairman of the Commission, the Deputy Chairman of the House shall act as the Chairman of the Commission.

Terms of office
of the
members.

5. (1) The Chairman and the Leader of the House shall continue to be the members of the Commission until immediately before the assumption of the office by their respective successors.

(2) A member of the Commission other than the Chairman and the Leader of the House shall cease to be a member of the Commission if he ceases to be a member of the House.

Appointment
etc. of
Secretary-
General.

6. (1) There shall be a Secretary-General of the House who shall be appointed by the President of India on the recommendations of the Commission.

(2) The Secretary-General shall be appointed from amongst those who have distinguished themselves and made their mark in the service of the House in various capacities in the Secretariat for not less than twenty years.

(3) The Secretary-General shall be the head of the Secretariat.

(4) The Office of the Secretary-General shall become vacant —

(a) on his attaining the age of superannuation, as may be fixed by the Commission; or

(b) on the resignation in writing addressed to the President of India; or

(c) on his removal from office by the President of India in the same manner as is provided for the removal of a Judge of the Supreme Court under Clause (4) of article 124 of the Constitution.

Functions of
the Commis-
sion.

7. Except as provided in section 6 with regard to the appointment of the Secretary-General, the commission shall appoint all secretarial staff and over and above the functions provided elsewhere in this Act, the functions of the Commission shall be—

(a) to frame rules regulating the recruitment, appointment, promotion and other conditions of service of the Secretary-General and other officers and staff of the Secretariat;

(b) to adopt such service rules of the Govt. of India as it may deem fit;

(c) to appoint officers and staff on deputation to posts in the Secretariat from other service such as judicial services or from office of the Comptroller and Auditor General or from State Legislatures;

(d) to determine the strength of the secretarial staff at various levels and their pay scales and other allowances;

(e) to ensure that the classification, grading, salaries, allowances and other conditions of service, including pension and other benefits, of the personnel in the Secretariat are kept in conformity with the personnel in other comparable services in the Government of India and also consistent with the service requirements of the House;

(f) to consider and decide appeals against the orders of the Chairman or Secretary General, as the case may be, submitted by the officers and staff of the Secretariat;

(g) to prepare an estimate for each financial year of the expenses of the services of the House and of any other expenses incurred for the service of the House and lay them before the House;

(h) to appoint a member of the secretarial staff as a "Finance Officer" who will be responsible for accounting the sums paid out of the money provided by the Parliament for the service of the House; and

(i) to exercise all powers necessary to implement the provisions of clause (1) of article 98 of the Constitution of India towards the constitution of a separate, independent and autonomous Secretariat of the House.

8. (1) The Commission may delegate any of its functions to the Chairman or the Secretary-General.

Delegation of functions of the Commission.

(2) Anything done by or in relation to a person, to whom functions are delegated under sub-section (1) shall have the same effect as if done by or in relation to the Commission.

(3) Any delegation of functions made by the Commission under this section or any amendment or revocation of such delegation shall be mentioned in the annual report of the Commission.

(4) Notwithstanding anything contained in this section, the Commission shall retain the ultimate responsibility for considering any representation made, in relation to matters affecting the interests in connection with the employment of the Secretarial staff, by staff associations which are recognised by the Commission in respect of such staff, and for the conduct of consultations and negotiations, about such matters with those staff associations.

9. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Vacancy etc., not to invalidate the proceedings of the Commission.

10. The Commission shall, as soon as possible, after the end of every financial year, prepare, print and present to the House a report giving in full account of its activities during the preceding financial year.

Annual report of the Commission.

Power to make rules.

11. (1) The Commission may make rules to regulate its procedure and conduct of its business.

(2) The Commission may, by notification in the official Gazette, make rules to regulate recruitment and conditions of service of the Secretarial Staff.

(3) Every rule made under this Act shall as soon as may be after it is made, be laid before the House, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule, or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be.

(4) Any notice of amendment to such rules given by a member shall stand referred to the Commission which shall consider it and make such changes in the rules as the Commission may consider fit.

(5) The final rule made by the Commission, after taking into consideration the amendments suggested by the members, shall be laid before the House and, thereafter, on the House agreeing to the final rule on a motion made by a member of the Commission, the rule or amendment to a rule, as the case may be, shall be enforced by the Commission by notification in the official Gazette.

Transitional Provision.

12. All persons employed in the Secretarial Staff immediately before the Commencement of this Act, shall be treated, for all purposes, as if their appointment had been made by the Commission, unless the Commission decides otherwise.

Saving.

13. All rules, regulations and orders made and in force immediately before the commencement of this Act, shall be deemed to have been made by the Commission and shall continue to be valid and operative unless modified or revoked by the Commission, so, however, anything contained therein being inconsistent with any provisions of this Act, shall be of no effect and be void to the extent of such inconsistency.

STATEMENT OF OBJECTS AND REASONS

The concept of an independent secretariat of Parliament is an essential adjunct of Parliamentary democracy. The significance of this conceptualisation of a Secretariat independent of the executive was fully realised in the 1920s when the then Central Legislative Assembly passed unanimously a resolution moved by Pandit Motilal Nehru and seconded by Lala Lajpat Rai.

The independent position of the secretariats of the Houses of Parliament was recognised by the makers of our Constitution when they considered it necessary to incorporate a separate and exclusive article (article 98) in the Constitution. This article envisages enactment by Parliament of a law to regulate the recruitment and conditions of service of persons appointed in the secretarial staff of the House. The enactment of such a legislation is long overdue.

The unique position of Rajya Sabha Secretariat (Council of States) demands, as it does, a special sense of dedication and impartiality from the secretarial staff in the discharge of their duties and requires a broad-based institutional arrangement representing the House to be statutorily made available to assist the Chairman in watching and safeguarding the interests of the Secretarial staff in the service of the House and its members. This institutional arrangement is sought to be made by providing a Council of States Commission.

Hence this Bill.

Y. LAKSHMI PRASAD

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for the Constitution of a Council of States Commission. Its members are the members of the Council of States who would be discharging their duties in relation to the Commission as its members. The expenditure towards the payment of their TA/DA, if any, would be a part of the normal expenditure of the House. The increase in the expenditure, if any, as a result of constituting the Commission would be a marginal one and that would not be possible to be quantified in specific terms at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill seeks to confer, on the Commission, the power to make rules for carrying out the purposes of this Act. The matters in respect of which such rules may be made are matters of procedure and administrative details. The delegation of legislative power is, therefore, of a normal character.

II

BILL NO. XXIX OF 2000

A Bill to provide for free and compulsory minimum education for the girl child and other welfare measure to be undertaken by the State for her proper development and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This act may be called the Girl Child (Compulsory Education and Welfare) Act, 2000.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in case of a State, the State Government and in other cases the Central Government;

(b) "girl child" means any woman who is below the age of sixteen years;

(c) "prescribed" means prescribed by rules made under this Act.

Compulsory and free educational facilities for the girl child.

3. The Appropriate Government shall provide to every girl child, —

- (a) compulsory and free education upto the matriculation or secondary level;
- (b) study materials, such as, books, note books, stationery etc. free of cost;
- (c) free hostel facilities wherever necessary;
- (d) school uniforms, shoes, socks free of cost;
- (e) scholarships to deserving girl child for her school education and higher education in University/college including medical and technical education.

Provision of nutritious meals to girl child in schools etc.

4. The appropriate Government shall provide nutritious meals free of cost to all the girl students in schools, colleges, institutes, Universities and hostels till such time and in such manner as may be prescribed.

Medical care for the girl child.

5. The appropriate Government shall provide regular free medical aid and health care to every girl child throughout the country.

Vocational training to girl child.

6.(1) The appropriate Government shall formulate a scheme for providing training to the girl child in the following vocations, namely:—

- (a) home science;
- (b) tailoring;
- (c) doll making;
- (d) cookery;
- (e) food preservation;
- (f) embroidery and painting;
- (g) knitting and weaving;
- (h) interior decoration;
- (i) architecture;
- (j) midwifery and nursing.

(2) The scheme may also incorporate any other vocation other than those referred to in sub-section (1), from time to time for imparting training to the girl child in such vocation.

Provision of employment.

7. The appropriate Government shall provide proper and gainful employment to every girl child after completion of her education or training in any vocation.

Head of the family to send the girl child to school for education.

8. It shall be the duty of the head of each family or *Karta* of the family, male or female, to send every girl child of the family to school, college or institution for receiving education or training, as the case may be from the normal age of schooling of such girl child.

Penalty.

9. Whoever contravenes the provisions of section 8 shall be punishable with imprisonment which may extend to two years or with fine which may extend to two thousand rupees or with both.

Power to make rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The girl child is the most neglected and unwanted in our country. Most families or married couples do not want a daughter in the family. That is why pre-birth sex determination tests are conducted and if the foetus is that of a girl it is medically terminated or aborted. Thus, it is ensured from all possible angles that a girl child should not come at all on this earth. However, if a lucky one is born, her birth is caused. The near and dear ones of the family console the couple as if heaven has fallen over them.

While bringing up the children in a family the girl child is always neglected. The boys get the best to eat, wear and enjoy, whereas the girl is treated shabbily. Most families do not treat their sons and daughters at par. The boy is sent to the best school but the girl is sent to an ordinary school or, sometimes, is not sent to schools at all. She is supposed to do the household chores, eat leftovers and wear whatever is given to her. In the cities, the position has changed to some extent but in the rural areas, the position remains the same. The only change that appears is that the girls are not killed openly by swords in the public view, though poisoning or strangulation is still resorted to in some parts of the country for killing a girl child. All this is not a new development. It is a continuous process and many centuries have witnessed the atrocities on girls. She suffers throughout her life and no one bothers for her.

Ours is a Welfare State, and we have pledged, through our Constitution, that there will be no discrimination, on the ground of sex, religion, caste or creed in the country. The State has to come forward to rescue and develop the girl child who is neglected by the society. The girl child should be given compulsory and free education, free books, free nutritious diet, free dress and medical care. A deserving girl child should also be given a scholarship to continue her studies. After the studies she should be given proper and gainful employment. She must be given training in various vocations. So far as the family is concerned it is proposed to make it mandatory for the head of the family to send the girl child to school or he or she should be prosecuted for the offence of not sending the girl child for education.

If the above measures are adopted by the State, the position of the girl child can certainly be improved. It is all the more necessary to evolve a proper policy for the welfare and literacy of the girl child, and sincerely implement it throughout the country.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory and free educational facilities for the girl child. Clause 4 provides for provision of nutritious meals to girl child in school etc. Clause 5 provides for medical care for the girl child. Clause 6 provides for scheme for giving training to the girl child in various vocations. Clause 7 provides for gainful employment for the girl child after her education and training. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India to the tune of one hundred crore rupees per annum.

A non-recurring expenditure of about five crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power of a normal character.

III

BILL No. XXVII OF 2000

A Bill to prohibit the allurement by promising employment, free education in reputed schools for the wards, easy money and decent life by religious bodies, missionaries etc. for attracting people for converting their religion and use of coercive methods for such conversions and for deterrent punishment for the violators and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Religious Conversion (Prohibition of Allurement and use of coercive Methods) Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Allurement of any kind including employment, free education in reputed school run by a missionary or religious body, easy money, decent life and use of coercive methods for religious conversions by religious bodies, missionaries or by whatever name called is hereby prohibited.

Short title,
extent and
commence-
ment.

Prohibition of
allurement
and use of
coercive
methods for
religious
conversion.

Penalty.

3. Notwithstanding anything contained in any other law for the time being in force, whoever commits an offence under this Act shall on conviction by a court of law be liable to rigorous imprisonment which shall not be less than five years but which may extend to ten years and also with fine which may extend to one lakh rupees.

Parties to offence.

4. When an offence is committed under this Act, each of the following shall be deemed to have taken part in committing the offence and to be guilty of the offence, and shall be charged with actually committing it, that is to say,—

(a) every person who actually does the act which constitutes the offence;

(b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) every person who aids or abets another person in committing the offence;

(d) any person who counsels or procures any other person to commit the offence.

Offences to be cognizable and non bailable.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence committed under this Act shall be cognizable and non bailable. 2 of 1974

STATEMENT OF OBJECTS AND REASONS

Quite a good number of persons belonging to a particular religion across the country particularly the poor, tribals and such other vulnerable categories are being lured by certain religious organisations, missionaries etc. for converting their religion by offering them with jobs, money, free education to their wards and promise of decent life and as a result these innocent poor people are migrating to other religions. In many cases these people are coerced to convert into other religion. These organisations and missionaries are getting funds in plenty from home and abroad for this purpose.

Since religion is completely a personal matter nobody should be allowed to lure and coerce the people for religious conversion. For such conversions there should be deterrent punishment for the persons and organisations who are responsible for such conversions.

Hence this Bill.

S. S. AHLUWALIA

IV

BILL NO. XXVIII OF 2000

A Bill to provide for compulsory vocational and technical education in educational institutions and matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Vocational Education Act, 2000.
- (2) It extends to whole of India.
- (3) It shall come into force with immediate effect.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires, “vocational education” means and includes, vocational programmes of education, basic research and training in engineering technology, architecture, town planning, management, pharmacy, applied arts and crafts and such other technical programmes, as the Central Government may by notification in the Official Gazette, declare.

Definitions.

Compulsory vocational subjects at secondary schools levels.

3. (1) There shall be vocational subjects in all the Secondary and Senior Secondary Schools under the ten plus two system of education.

(2) There shall be minimum of two school level vocational subjects which shall be compulsory for all students and no secondary and senior secondary school certificate shall be awarded to any student unless he passes in those two subjects both in theoretical and in practical tests, if any.

Compulsory vocational subject at colleges.

4. There shall be at least one compulsory vocational subject in every Degree course offered by a College or University and every student shall have to pass in that subject with practicals, if any, before a degree is awarded to him.

Government to establish technical and colleges.

5. The Central Government shall establish adequate number of industrial training institutes or technical schools and colleges of its own or through private bodies all over the country, offering technical and Vocational education:

Provided that at least two such institutes or schools shall be established in every District of the country.

Restriction on opening of certain educational institutes.

6. After the commencement of this Act, the Government shall not permit establishment of new secondary or senior secondary schools and colleges which offer only humanities and social science courses.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country the educational institutions are producing millions of certificate and degree holders every year and most of them find themselves unemployed after completing their studies. In fact, our education system is a clerk producing system which has completely lost its purpose in our vast country and its origin is found in the British rule in India. The British had introduced the education system similar to the present one in India, as they were in need of clerks. Apart from this system of education we do not have proper manpower planning system. The Government has failed in this field as it does not exactly know the actual needs of the country in various fields such as clerical jobs, engineers, doctors and other professionals. If manpower is planned effectively, it may go a long way in socio-economic progress of our Nation.

But it is very unfortunate that we are still continuing with that system of education, and consequently unemployment is growing day by day. The educated youth have no useful vocation to follow on their own. The frustrated youth often take to destructive courses or are abetted to enter into the world of crimes.

Comprehensive technical and vocational education is the only answer to this problem. Vocational education should form a compulsory part of the courses in schools and colleges so that the students after completing their courses, can get useful employment in industrial establishments or through self-employment can earn their livelihood without looking only for white collar jobs. Moreover, if we have trained people in different field and crafts we can send them to foreign countries channelise export of trained technical manpower to foreign countries where they would be in great demand. The Government itself through its chain of employment exchanges. It will not only help in eradicating unemployment to a great extent but will also earn valuable foreign exchange for the country. But this dream can be brought into reality if we offer maximum technical institutions on the lines of industrial training institutes to the youth for proper training and making our schools and colleges education vocational training oriented.

This Bill seeks to achieve the above objects.

S.S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the Government shall establish Schools and Colleges at least two in every District, for imparting technical and vocational education. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crores per annum.

It is also likely to involve a non recurring expenditure of about rupees ten crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. These rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.

R. C. TRIPATHI,
Secretary-General.

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